

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



In re
CUSTOMS AND TAX ADMINISTRATION
OF THE KINGDOM OF DENMARK
(SKAT) TAX REFUND LITIGATION

This document relates to all cases.

18-MD-2865 (LAK)

STIPULATION REGARDING THIRD-PARTY DEPOSITIONS

WHEREAS, Plaintiff SKAT has noticed the depositions of Patrick Michel and Brooke Pollak, two former Arnold & Porter Kaye Scholer (“APKS”) attorneys; and

WHEREAS, Defendants John van Merkensteijn, Richard Markowitz, Robert Klugman, Michael Ben-Jacob, David Zelman, Perry Lerner, Joseph Herman, Robin Jones, Ed Miller, and Ronald Altbach (collectively, “Defendants”), through counsel, represent that they do not currently intend to call Mr. Michel or Ms. Pollak at trial in any matter in this multidistrict litigation.

NOW, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and the Defendants, by and through their duly authorized respective counsel, that

1. Plaintiff will withdraw its notices of deposition for Mr. Michel and Ms. Pollak.
2. Defendants reserve their right to call Mr. Michel, Ms. Pollak, or any other current or former APKS personnel at trial.
3. If any defendant in any matter in this multidistrict litigation declares an intent to call at trial Mr. Michel, Ms. Pollak, or any other current or former APKS personnel that Plaintiff has not deposed prior to that time, Defendants will allow Plaintiff to depose the intended witness a reasonable time prior to trial.

4. Any Defendant declaring an intent to call Mr. Michel, Ms. Pollak, or any other current or former APKS personnel that Plaintiff has not deposed prior to that time will list the intended witness in the joint pretrial order in which the Court requires the Parties to list their intended trial witnesses, and are not obliged as a result of this agreement to identify trial witnesses any earlier than would otherwise be required by the Federal Rules of Civil Procedure and/or the Court's rules.

Dated: November 10, 2021

/s/ William R. Maguire
William R. Maguire
Hughes Hubbard & Reed LLP (NY)
One Battery Park Plaza
New York, NY 10004
(212)837-6000
Fax: (212)299-6879
Email: maguire@hugheshubbard.com

On behalf of Plaintiff SKAT

/s/ Alan Schoenfeld
(e-signed with consent)
Alan Schoenfeld
Wilmer Cutler Pickering Hale & Dorr
LLP (NYC)
7 World Trade Center
New York, NY 10007
(212) 937-7294
Fax: (212) 230-8888
Email: alan.schoenfeld@wilmerhale.com

On behalf of Defendant Richard Markowitz

/s/ Michelle A. Rice
(e-signed with consent)
Michelle A. Rice
Kaplan Rice LLP
142 W. 57th St.
New York, NY 10019
(212) 333-0227
Fax: (212) 333-2350
Email: mrice@kaplanrice.com

On behalf of Defendants David Zelman, Perry Lerner, Joseph Herman, Ronald Altbach, Robin Jones, and Ed Miller

Respectfully Submitted,

/s/ Sharon Louise McCarthy
(e-signed with consent)
Sharon Louise McCarthy
Kostelanetz & Fink, LLP
7 World Trade Center, 34th Floor
New York, NY 10007
(212)808-8100
Fax: (212)808-8108
Email: smccarthy@kflaw.com

On behalf of Defendant John van Merkensteijn

/s/ Zhanna Angert Ziering
(e-signed with consent)
Zhanna Angert Ziering
Moore Tax Law Group LLC
11 Broadway, Suite 615
New York, NY 10004
646-357-3875
Fax: 312-549-9991
Email:
zhanna.ziering@mooretaxlawgroup.com

On behalf of Defendant Robert Klugman

/s/ Thomas E.L. Dewey
(e-signed with consent)
Thomas E.L. Dewey
Dewey, Pegno & Kramarsky, LLP
777 Third Avenue
New York, NY 10017
(212)-943-9000
Fax: (212)-943-4325
Email: tdewey@dplaw.com

On behalf of Defendant Michael Ben-Jacob

SO ORDERED:

11/15/21
Hon. Lewis A. Kaplan
United States District Judge